



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

December 1, 2017
Certified Mail/Return
7012 3460 0003 1112 9967

Syngenta Seeds
7770 County Road 29
Glenn, CA 95943

Attention: Katherine Clay, Health and Safety

Subject: Syngenta Seeds - Public Water System No. 1100102 - Citation No. 21-17C-038 for Failure to Comply With a Permit Amendment Condition for Maximum Arsenic Concentration in Treated Water.

The Syngenta Seeds water system (System) is classified as a nontransient - noncommunity water system. Per Permit No. 01-21-15(P)11002, Condition 2(d), the System's treated water shall not exceed 10 micrograms per liter ($\mu\text{g/L}$) for arsenic. Our records show that treated water sampled in September 2017, resulted in an arsenic level of 17.0 $\mu\text{g/L}$. The System is receiving a citation for failure to comply with this permit condition. Please read this citation carefully and complete all directives.

In addition, because manganese (Mn) can affect arsenic removal performance, Mn samples must now be taken **monthly**, as directed in this citation, in between the softener and arsenic treatment vessels. This is in addition to the raw Mn sample taken quarterly. The results must be included on the monthly treatment record and submitted electronically to the State's database. Our hope and belief is that adequate Mn removal will not lead to a sudden failure of the arsenic treatment system performance.

Note that Section 116577 of the California Safe Drinking Water Act provides for the Division to be reimbursed by the Water System for costs incurred for preparing and issuing a citation. In accordance with Section 116577, the Water System will be billed for the preparation and issuance of this citation.

Any person who is aggrieved by an order or decision issued by the Division, may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision. The date of issuance is the date when the Division mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. See attached Applicable Authorities for relevant statutory provisions for filing a petition.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

Attachment A

For more Information regarding filing petitions, visit the following website:
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please call Yvonne Heaney at (530) 224-4872 or me at (530) 224-4861.



Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosure

1
2 **STATE OF CALIFORNIA**
3 **STATE WATER RESOURCES CONTROL BOARD**
4 **DIVISION OF DRINKING WATER**
5
6
7

8 **To:** Syngenta Seeds
9 Attn: Katherine Clay, Health & Safety
10 7770 County Road 29
11 Glenn, CA 95943
12

13 **Issued:** December 1, 2017
14 VIA CERTIFIED MAIL/RETURN RECEIPT
15
16

17 **CITATION NO. 21-17C-038 FOR VIOLATION OF**
18 **CONDITION 2(d) OF PERMIT 01-21-15(P)11002**
19

20 Section 116650 of Chapter 4 of Part 12 of Division 104 of the California Health and
21 Safety Code (H&S Code) authorizes the issuance of a citation for failure to comply
22 with a requirement of the California Safe Drinking Water Act or any regulation,
23 standard, permit, or order issued thereunder.
24

25 The State Water Resources Control Board (hereinafter "Board"), acting by and
26 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
27 for the Division, hereby issues this Citation to Syngenta Seeds for failure to comply

1 with applicable conditions of Permit No. 01-21-15(P)11002 (issued September 17,
2 2015).

3 4 **APPLICABLE AUTHORITIES**

5 See Attachment 'A' for Applicable Authorities.

6 7 **STATEMENT OF FACTS**

8 Syngenta Seeds (hereinafter, "System") is a nontransient - noncommunity water
9 system located in Glenn County that supplies water for domestic purposes to
10 approximately 41 people. The source of supply for the Water System is one active
11 groundwater well designated as Well 02 (Source Number 1100102-002). In 2015,
12 the System installed an adsorptive treatment plant to remove arsenic from the
13 source water.

14
15 According to Permit No. 01-21-15(P)11002, Condition 2(d), the System's treated
16 water entering the distribution system shall not exceed 10 micrograms per liter
17 ($\mu\text{g/L}$). On September 13, 2017, an arsenic treated water sample was collected from
18 the Lunch Room sample point and resulted in an arsenic level of 17.0 $\mu\text{g/L}$.

19
20 According to Permit No. 01-21-15(P)11002, Condition 2(a)(ii), an intermediate
21 sample (taken between the lead and lag vessels) shall be taken monthly. To date,
22 the Division has not received intermediate sample values on monthly treatment
23 records.

24
25 Permit No. 01-21-15(P)11002, Condition 2(e) stated that an Operations Plan should
26 be developed and maintained, and submitted for review to the Division no later than
27 **November 30, 2015**. To date, the Division has not received an Operations Plan.

DETERMINATIONS

Based on the above Statement of Facts, the State Board has determined that the System has failed to comply with Permit No. 01-21-15(P)11002, Condition 2(d), 2(a)(ii), and 2(e), in that the treated water exceeded the arsenic level of 10 µg/L in September of 2017, lead/lag intermediate sample values have not been submitted to the Division, and the System has not submitted an Operations Plan.

DIRECTIVES

The System is hereby directed to complete the following actions:

1. Beginning on the date of issuance of this citation (December 1, 2017), the system must collect **monthly** intermediate manganese (Mn) samples. The intermediate sample point must be located after the softener, and prior to the arsenic treatment vessels.
2. Comply with Permit No. 01-21-15(P)11002, Condition 2(d), so that the treated water arsenic level is at all times less than 10 µg/L.
3. On or before **December 31, 2017**, submit to the Division an Operations Plan which includes the use of the lead/lag arsenic treatment vessel and specifies conditions when media change out occurs.
4. Arsenic values between the lead and lag arsenic treatment vessels must be sampled monthly. Dual arsenic sample results (lead/lag intermediate & finished treated) must be submitted to the Division via inclusion on the monthly treatment records.

- 1 5. The System shall provide Tier 3 public notification (by inclusion in the
2 **2017 Consumer Confidence Report**) for the failure to comply with the permit
3 condition 2(d) specified above.

4
5
6 Nothing in this Citation relieves the System of its obligation to meet the requirements
7 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
8 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
9 thereunder. The Division reserves the right to make such modifications to this
10 Citation, as it may deem necessary to protect public health and safety. Such
11 modifications may be issued as amendments to this Order and shall be effective
12 upon issuance.

13
14 All submittals required by this Citation shall be submitted to the Division at the
15 following address:

16
17 Reese B. Crenshaw, P. E.
18 Valley District Engineer
19 State Water Resources Control Board
20 Division of Drinking Water
21 364 Knollcrest Dr. Suite 101
22 Redding, CA 96002

23
24 **FURTHER ENFORCEMENT ACTION**

25 The California Safe Drinking Water Act (SDWA) authorizes the Board to: issue
26 citations with assessment of administrative penalties to a public water system for
27 violation or continued violation of the requirements of the California SDWA or any
28 regulation, permit, standard, citation, or order issued or adopted thereunder

including, but not limited to, failure to correct a violation identified in a citation or compliance order.

The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with or violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.


PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

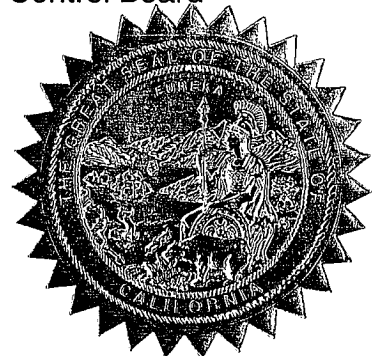
The directives of this Citation are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.

12/4/17
Date


Reese B. Crenshaw, P.E.,
Valley District Engineer
Division of Drinking Water
State Water Resources Control Board

Attachments:

Attachment A – Applicable Authorities



APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

- (a) If the Department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.*
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.*
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.*
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).*
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.*

Section 116701 of the CHSC states in relevant part:

Petitions to Orders and Decisions

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.*
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.*
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.*
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.*

ATTACHMENT A

- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.*
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.*

Permit Amendment No. 01-02-93(P)51028A3, Condition 'e' states:

- (e) The treated water entering the distribution system shall not exceed 10.4 micrograms per liter (ug/L).*

Section 64463.7, Title 22, of the CCR States in relevant part:

Tier 3 Public Notice

- (a) Each water system shall give public notice pursuant to this section if any of the following occurs:*
 - 1) Monitoring violations;*
 - 2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or*
 - 3) Operation under a variance or exemption.*
- (f) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.*

ATTACHMENT A

- 1) *The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.*
- 2) *Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.*
- 3) *Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.*